



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECC-K

12 May 1995

MEMORANDUM FOR MAJOR SUBORDINATE COMMAND, DISTRICT, LABORATORY, AND
FOA COMMANDERS

SUBJECT: Delegation of Settlement Authority to Field Counsel

1. Reference: a. AR 27-40
b. ER 27-1-1
c. 28 C.F.R. 0.172, Subpart Y
2. The purpose of this memorandum is to delegate to Division (including Operating Division), District, Corps Laboratory, and FOA, Counsel my authority to approve settlement of civil litigation involving the Corps of Engineers activities that are being handled by U.S. Attorneys, and are within their settlement authorities under reference 1c, above. This delegation is to the head or officially "acting" head of the legal office and may not be redelegated. This delegation is subject to the requirement that each subordinate command notify Division or HQUSACE of any case involving nationally or significant precedential issues, and notify Division of any case of regional significance. At that time, I may choose to withdraw the delegation on a case-by-case basis for litigation of a national or precedential nature, and Division Counsel may also withdraw the delegation on a case-by-case basis, as appropriate. In order to assist Divisions and HQUSACE in carrying out their quality assurance and policy responsibilities, the subordinate commands are responsible for entering cases in CMIS II, or its successor, and for fully updating entries in a timely manner during the course of the litigation, including a brief after-action report upon its conclusion.
3. Class Action Personnel cases involve more active participation of TJAG than other types of litigation. Accordingly, all such cases are defined as "nationally significant". Civil Litigation arising out of Corps military activities are also by definition "nationally significant". Primary management of and settlement authority for these types of cases will reside in HQUSACE.
4. Simply put, where Districts have management responsibility for litigation, they also have concurrent settlement authority. Where the Division or HQUSACE has management responsibility, settlement authority is at that level. Unless *specifically* delegated, management and settlement authority for litigation handled by Main DOJ in Washington rests in HQUSACE. Unless *specifically withdrawn*, management and settlement authority for litigation handled by U.S. Attorneys, and not involving nationally significant or precedential issues, resides with field counsel.
5. This delegation is effective immediately.

LESTER EDELMAN
Chief Counsel